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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,632	04/05/2001	Noriyoshi Satoh	32184US1	4480

116 7590 06/05/2003

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EXAMINER

LE, DANG D

ART UNIT PAPER NUMBER

2834

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

09/826,632

**Applicant(s)**

SATO ET AL.

**Examiner**

Dang D Le

**Art Unit**

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 April 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3,5-8,10,11 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,5-8,10,11 and 13-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 0303.                      6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/17/03 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 3, 5-8, 10, 11, and 13-16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 3, 5-8, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuzaki et al. in view of Odagiri et al.

Regarding claim 3, Tsuzaki et al. show an apparatus comprising:

- A vibration motor having:
- A base (1, Figure 3) having a front surface (left side);
- A rotary member (8) provided on the front surface of the base; and
- A cover (6) having an electromagnetically shielding property and covering the rotary member.

Tsuzaki et al. do not show:

- A board on which the vibration motor is mounted; and
- A shield member covering at least a part of the board, wherein the vibration motor is disposed inside the shield member.

For the purpose of providing a vibrator attaching structure, Odagiri et al. show:

- A board (2) on which the vibration motor is mounted; and
- A shield member (17) covering at least a part of the board, wherein the vibration motor is disposed inside the shield member.

Since Tsuzaki et al. and Odagiri et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to mount the motor on the board and cover it with the shield as taught by Odagiri et al. for the purpose discussed above.

Regarding claims 5-8, 10, and 11, it is noted that Tsuzaki et al. and Odagiri et al. also show all of the limitations of the claimed invention.

6. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuzaki et al. in view of Odagiri et al. as applied to claim 3 above, and further in view of Kadokura.

Regarding claim 13, the apparatus of Tsuzaki et al. modified by Odagiri et al. includes all of the limitations of the claimed invention except for the cover being made of resin; the cover being coated with non-electrolytic copper; and the cover coated with non-electrolytic copper being coated with non-electrolytic nickel.

Kadokura shows the cover being made of resin (column 5, line 41); the cover being coated with non-electrolytic copper (column 22, line 22); and the cover coated with non-electrolytic copper being coated with non-electrolytic nickel (column 22, line 18) for the purpose of shielding.

Since Tsuzaki et al., Odagiri et al., and Kadokura are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the cover of resin; to coat the cover with

non-electrolytic copper; and to coat the cover coated with non-electrolytic copper with non-electrolytic nickel as taught by Kadokura for the purpose discussed above.

Regarding claim 14, it is noted that Kadokura also shows the resin being selected from the group consisting of acrylonitrile, butadiene and styrene (column 5, lines 39-60).

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al. (5,341,057) in view of Odagiri et al.

Regarding claim 15, Yamaguchi et al. show an apparatus comprising:

- A vibration motor having:
- A base (6, Figure 2) having a front surface (left side);
- A rotary member (5a) provided on the front surface of the base;
- An eccentric member (3a) provided on the rotary member;
- A cover (1) having an electromagnetically shielding property and covering the rotary member (5a) and the eccentric member (3a).

Yamaguchi et al. do not show:

- A board on which the vibration motor is mounted; and
- A shield member covering at least a part of the board, wherein the vibration motor is disposed inside the shield member.

For the purpose of providing a vibrator attaching structure, Odagiri et al. show:

- A board (2) on which the vibration motor is mounted; and
- A shield member (17) covering at least a part of the board, wherein the vibration motor is disposed inside the shield member.

Since Yamaguchi et al. and Odagiri et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to mount the motor on the board and cover it with the shield as taught by Odagiri et al. for the purpose discussed above.

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuzaki et al. in view of Odagiri et al. and further in view of Ward.

Regarding claim 16, Tsuzaki et al. show an apparatus comprising:

- A vibration motor having:
- A base (1, Figure 3) having a front surface (left side);
- A rotary member (8) provided on the front surface of the base; and
- A cover (6) having an electromagnetically shielding property and covering the rotary member.

Tsuzaki et al. do not show:

- A board on which the vibration motor is mounted; and
- A shield member covering at least a part of the board, wherein the vibration motor is disposed inside the shield member; and
- A housing enclosing the board and the shield member.

However, for the purpose of providing a vibrator attaching structure, Odagiri et al. show:

- A board (2) on which the vibration motor is mounted; and

- A shield member (17) covering at least a part of the board, wherein the vibration motor is disposed inside the shield member.

Moreover, for the purpose of mounting the vibration motor, Ward shows a housing (10) enclosing the board and the shield member.

Since Tsuzaki et al., Odagiri et al., and Ward are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to mount the motor on the board and cover it with the shield as taught by Odagiri et al. and mount the motor in an enclosure as taught by Ward for the purposes discussed above.

***Information on How to Contact USPTO***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 308-7382 for After Final communications.

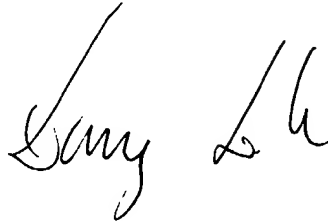


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

DDL  
June 3, 2003

A handwritten signature in cursive script, appearing to read "Dangle", followed by a stylized mark that looks like "Lh".

DANGLE  
PRIMARY EXAMINER